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9 March 1977

NOTE FOR : AAL

FROM : RHL

SUBJECT : Today's Attorney General Committee Meeting on PRM-11

1. For today's meeting of the Department of Justice Committee under paragraph 1 of PRM-11, some suggestions and background information:

STATINTL (a) [redacted] told me that they want to keep the number of participants down and to have in regular attendance people authorized to negotiate and decide. This suggests that when you cannot attend, STATINTL [redacted] or I should. It also suggests that you may find it STATINTL necessary to cut down on the numbers who attend with you. As STATINTL you know, [redacted] wants [redacted] to attend and [redacted] unde STATINTL stands that you intended his regular attendance. [redacted] STATINTL and [redacted] might attend only for certain meetings or, if necessary, could be dropped with reliance instead on their briefing and information. In any event, you have full background on the electronic surveillance legislation issues.

STATINTL (b) [redacted] who is taking the initiative in staffing the DCI's work under paragraph 2 of PRM-11 (a committee chaired by the DCI), is very concerned that DoD intelligence elements be adequately represented and be authorized to participate freely in paragraph 2 exercise. A letter to paragraph 2 committee members signed by Admiral Turner, I believe yesterday, asks that the DoD intelligence elements be fully available for frank discussion with the DCI committee. Admiral Murphy is in full agreement with this and is anxious that the same principle be established for the work of the Attorney General's committee. It might be well to suggest at the Attorney General Committee's opening meeting that NSA, DIA and other DoD intelligence elements be asked to participate. This is particularly in order on the matter of charters for the intelligence agencies. At today's meeting [redacted] did express some con- STATINTL fidence that Neiderlehner undoubtedly knows the problems and interests of the DoD intelligence elements and could be relied on to protect and represent them.

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(c) I think it would be well to make clear to the Attorney General's Committee that you are the lawyer for the Director with respect to his Community as well as his Agency interests and responsibilities. This would enable you to speak for both. In addition,
25X1 it may well be that [redacted] others who will participate are new in this area and are not aware of the Director's two functions.

(d) There appears to be at least one conflict between PRM-11 and the agenda proposed by the Attorney General's memorandum of 4 March, a conflict which I think broadens the Attorney General Committee's charter in an area where it should not go. PRM-11 lists as an item for the Attorney General's Committee the matter of "legal sanctions of protection of sources and methods." This seems to have been translated by the Attorney General memorandum into a proposal that the Attorney General Committee "consider legislation and other means for protection of classified information against unlawful disclosure." I suggest that this item be deleted from the Attorney General's Committee charter for a number of reasons. Classified information, of course, includes information additional to intelligence information and various agencies of the executive branch have interests in this area which are not intelligence interests and indeed some nonintelligence agencies create national security information which, under Executive Order 11652, must be classified and
STATINTL handled in accordance with that Order. Legislation has been introduced in each of the last several Congresses to substitute statutory classification system for Executive Order 11652 and at least one such bill [redacted] has been introduced in this Congress. In addition, the executive agencies, under National Security Study Memorandum 229, have been studying proposed changes in E.O. 11652 for over a year, an effort which fell by the way side in the last months of the Ford Administration, but, we are advised by a NSC staff member, is to be addressed by Dr. Brzezinski and Mr. Aaron as soon as possible. It would seem undesirable, confusing, and wasteful to crank into the PRM-11 exercise, which is directed to intelligence matters, the broad and different subject of protection of national security information. Instead of Item (a) of the proposed agenda, the committee could address the sources and methods legislation problem. Bernie suggests, however, as an agreement in favor of addressing the classified information issue, that a problem with the electronic surveillance legislation is the inadequacy of existing espionage laws.

(e) See also the two points in paragraph 3 of my memorandum to you yesterday "PRM-11 and Executive Order 11905." Also attached
STATINTL is a copy of [redacted] classified paper on the tasks and options arising under paragraph 1 of PRM-11.

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(f) Your attention is invited also to an item to be addressed by the SSC in paragraph 3 of PRM-11. Paragraph 3 provides that the SSC is to consider the matter of separating "the role of the Director of Central Intelligence as Community manager from the role of the Director of Central Intelligence [Agency]." This could affect the charter question, including charters for the IC Staff and the NIOs.

2. Attached is a copy of [redacted] paper signed by Admiral Turner and addressed to the members of the DCI committee under PRM-11. STATINTL

[redacted] STATINTL

RHL

Attachments

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	COMMENT		FILE		RETURN
	CONCURRENCE		INFORMATION		SIGNATURE

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